

FILED

AUG 21 2014


CLERKUNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

DALE DAHL,

Plaintiff,

v.

AETNA LIFE INSURANCE COMPANY,

Defendant.

Case No.: 14-5053

COMPLAINT

Plaintiff, Dale Dahl, hereinafter ("Dahl"), for his cause of action against Defendant, Aetna Life Insurance Company, hereinafter ("Aetna") alleges as follows:

PARTIES AND JURISDICTION

1. Dahl is a former employee of Office Depot, and is a citizen of Pennington County, South Dakota.

2. Aetna issued a group disability insurance policy to Office Depot during Dahl's employment there, which covered Dahl.

3. The policy is part of an ERISA plan.

4. Aetna is a Connecticut corporation registered to do business in the state of South Dakota.

5. Aetna's principal place of business is 151 Farmington Avenue, Hartford, Connecticut, 06156.

6. The amount in controversy exceeds \$75,000, exclusive of interest and costs.

7. This Court has jurisdiction under 29 U.S.C. § 1132(a) and 28 U.S.C. § 1331, and diversity jurisdiction pursuant to 28 U.S. C. § 1332(a).

CAUSE OF ACTION: ERISA

8. At all pertinent times, Dahl has been disabled within the meaning of the policy.
9. Dahl is entitled to disability benefits under the policy.
10. Aetna violated ERISA by wrongfully denying Dahl benefits under the policy.
11. Aetna violated ERISA and the terms of its own policy in not establishing that available occupations exist which would be appropriate for Dahl under the terms of the policy.
12. Dahl has exhausted his remedies under the policy.

WHEREFORE, PLAINTIFF PRAYS:

1. For recovery of benefits due under the terms of the plan, with interest;
2. For reasonable attorney fees and costs; and
3. For such other and further relief as the court deems just.

DATED: August 21, 2014.

GUNDERSON, PALMER, NELSON
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